

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 296 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMDAS TURI

Versus

DIRECTOR OF TECHNICAL EDU.

Appearance:

MR NK PAHWA FOR MR PM THAKKAR for Petitioners
MR RJ OZA for Respondent No. 1
Mr HH Patel AGP for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 14/03/2000

ORAL JUDGEMENT

Learned advocate Mr. Pahwa is appearing for the
petitioners and Mr. Oza is appearing for respondent No.1
and Mr. Patel is appearing for respondents nos.2-3. In

this petition, the petitioners have challenged the action of the respondents and have prayed for quashing and setting aside the action of the respondent in taking more than 8 hours work from the petitioners, withholding of salaries, changing of duty times and duty zones without prior notice and compelling to protect large area with limited strength, not giving compensatory holidays as arbitrary, illegal, contrary to the provisions of the ID Act, 1947 in utter disregard of the directions of this Court in the order dated 17.4.89 passed in special civil application no. 1678 of 1989 and have also prayed that the same be declared as violative of Article 14, 16 and 21 of the Constitution of India.

2. This Court, while admitting this petition, passed the following order on 2nd February, 1990:

Rule. Leave to join State of Gujarat, Secretary, Education Department as respondent NO. 3. Notice to the newly added party SO far as newly added party is concerned, by way of ad interim relief, it is directed that the State of Gujarat, Education Department shall consider the grievance voiced in this petition by treating it as representation by the workman engaged by respondents no.1 and 2 as regards their working hours and to decide upon said representation within period of six weeks of the receipt of writ of this interim order at its end. The office is directed to send copy of this writ petition to respondent no. 3 for information and necessary action. The petition is now posted for hearing of interim relief in light of consideration in respondent no. 3 of the petitioners' representation on 2nd April, 1990. On that day, respondent no. 3 shall produce before this court result of consideration. "

Thereafter, on 20th July, 1990, this court passed the following order :

"By way of interim relief, the respondents are directed not to take more work from the petitioner than what is provided by para 7 of the Govt. Resolution no. OFT/1082/GH dated 24.2.84. DS Permitted."

In this petition, respondent no. 2 has filed affidavit in reply and has produced the Government resolution dated 2nd February, 1987 on record according to which, duty hours of the class IV employees have been fixed from 10.00 am to 7.10 p.m. and during the said period, 45 minutes' recess was given from 1.00 p.m. to 2.00 p.m. considering the administrative convenience. Learned advocate Mr. Pahwa has submitted that if this court will direct the respondents to implement the said Government resolution dated 2nd February, 1987 produced by the respondents along with their affidavit in reply, then, the petitioners have no objection to work and the petitioners shall work accordingly in accordance with the said Government Resolution. He has further submitted that this court has directed the respondents to implement the Government resolution dated 24th February, 1984 and not to take more work from the watchman than for the number of hours specified in the said resolution. Therefore, this petition is ordered to be disposed of subject to the following directions :

The respondents are directed to follow the instructions given by the Government in the aforesaid resolution bearing No. OFT/1087/GH dated 2nd February, 1987 of the Government of Gujarat in its General Administration Department. No further orders are required to be passed in this petition. Therefore, this petition is ordered to be disposed of subject to the aforesaid directions. Rule is made absolute in terms indicated herein above with no order as to costs.

14.3.2000. (H.K.Rathod, J.)